



February 23, 2001

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## HOUSE BILL No. 1293

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DIGEST OF HB 1293 (Updated February 21, 2001 12:32 PM - DI 87)

**Citations Affected:** IC 5-14.

**Synopsis:** Access to public employee promotion interviews. Provides that an interview with an employee of a public agency about a job promotion may be held as an executive session (a meeting from which the public is excluded).

**Effective:** July 1, 2001.

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### Frenz, Ulmer, Ruppel

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January 9, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.  
February 22, 2001, amended, reported — Do Pass.

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HB 1293—LS 7689/DI 87+



February 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1293

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.37-2000,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2001]: Sec. 6.1. (a) As used in this section, "public official"  
4 means a person:  
5 (1) who is a member of a governing body of a public agency; or  
6 (2) whose tenure and compensation are fixed by law and who  
7 executes an oath.  
8 (b) Executive sessions may be held only in the following instances:  
9 (1) Where authorized by federal or state statute.  
10 (2) For discussion of strategy with respect to any of the following:  
11 (A) Collective bargaining.  
12 (B) Initiation of litigation or litigation that is either pending or  
13 has been threatened specifically in writing.  
14 (C) The implementation of security systems.  
15 (D) The purchase or lease of real property by the governing  
16 body up to the time a contract or option to purchase or lease is  
17 executed by the parties.

HB 1293—LS 7689/DI 87+



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However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions.

(5) To receive information about and interview ~~a prospective employee.~~ **employee or interview an employee about a possible promotion.**

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is a physician.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective

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1 appointees must be conducted at a meeting that is open to the  
2 public.

3 (11) To train school board members with an outside consultant  
4 about the performance of the role of the members as public  
5 officials.

6 (12) To prepare or score examinations used in issuing licenses,  
7 certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

8 **(13) To interview an employee about a job promotion.**

9 (c) A final action must be taken at a meeting open to the public.

10 (d) Public notice of executive sessions must state the subject matter  
11 by specific reference to the enumerated instance or instances for which  
12 executive sessions may be held under subsection (b). The requirements  
13 stated in section 4 of this chapter for memoranda and minutes being  
14 made available to the public is modified as to executive sessions in that  
15 the memoranda and minutes must identify the subject matter  
16 considered by specific reference to the enumerated instance or  
17 instances for which public notice was given. The governing body shall  
18 certify by a statement in the memoranda and minutes of the governing  
19 body that no subject matter was discussed in the executive session  
20 other than the subject matter specified in the public notice.

21 (e) A governing body may not conduct an executive session during  
22 a meeting, except as otherwise permitted by applicable statute. A  
23 meeting may not be recessed and reconvened with the intent of  
24 circumventing this subsection.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, after "interview" insert "a".

Page 2, line 12, strike "employees." and insert "**employee or interview an employee about a possible promotion.**".

and when so amended that said bill do pass.

(Reference is to HB 1293 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 13, nays 0.

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